



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1258-00

2 June 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that retirement points be moved between anniversary years.

2. The Board, consisting of Mr. Chapman, Mr. Bishop and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 31 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Attached to enclosure (1) is an advisory opinion in Petitioner's case from the Navy Personnel Command which states, in part, as follows:

... Our record indicate that (Petitioner's) anniversary date was incorrectly recorded on a Page 11 entry in his service record as 17 April 1978. His correct anniversary date is 29 October 1982.

.. It is our opinion that (Petitioner) drilled in good faith believing his anniversary date was 17 April. Using the incorrect date he attained satisfactory participation for every year except the year ending 28

October 1984. It is also our opinion, as a result of the incorrect information being provided to him, he suffered an injustice by not earning a satisfactory year for retirement in 1984. We recommend that (the record be corrected) to reallocate 12 correspondence course points from December 1984 to 1 October 1984 This will result in 12 points being credited to the anniversary year ending 28 October 84, making that year a satisfactory year for retirement.

CONCLUSION:


Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that since the year at issue, Petitioner has earned 15 consecutive qualifying years for retirement. This leads the Board to believe that he would have earned sufficient retirement points in the anniversary year ending 28 October 1984 if he had been aware of the correct anniversary year. Therefore, the Board agrees with the recommendation contained in the advisory opinion and concludes that 12 points from correspondence courses should be moved from the anniversary year ending 28 October 1985 to the anniversary year ending 28 October 1984.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the computation of his qualifying years for retirement.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by moving 12 retirement points, earned by completing correspondence courses, from the anniversary year ending 28 October 1985 to the anniversary year ending 28 October 1984.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

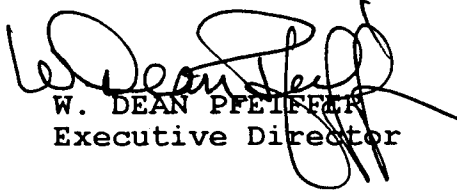
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section

6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director